

JC931 U.S. PTO



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PATENT

JC926 U.S. PTO

09/698789



10/27/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: DEKM:157USC1

**Prior Application Examiner: G.
BENZION**

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

**Classification Designation:
800**

Prior Group Art Unit: 1649

CERTIFICATE OF EXPRESS MAILING

NUMBER: EL611003018US
DATE OF DEPOSIT: October 27, 2000

**REQUEST FOR FILING CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/927,368 filed September 11, 1997, entitled "GLYPHOSATE RESISTANT MAIZE LINES."

1. Enclosed is a copy of the prior application Serial No. 08/927,368 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 08/927,368.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number _____, filed _____ in _____ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. _____

☐ 2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$ 710.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$710.00
Total Claims	8 - 20 =	0 X	\$18.00 =	\$0.00
Independent Claims	1 - 3 =	0 X	\$80.00 =	\$0.00
Multiple Dependent Claim(s) -----				\$-0-.00
TOTAL FILING FEES:				\$710.00

- ☐ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski Account No.: 50-1212/10004078/RH10056.
- ☐ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:

Robert E. Hanson
FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

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- 09698789 . 102700
- ☒ 8. The prior application is presently assigned to DEKALB GENETICS CORPORATION, 3100 Sycamore Road, DeKalb, IL 60115-9600.
- ☒ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☒ 10. Cancel in this application claims 1-82, 88-95 and 100-118 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. filed --.
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☒ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 08/927,368 filed September 11, 1997, for use in this application. Under 37 C.F.R. § 1.821(e), Applicants state that the paper copy of the sequence listing in this application is identical to the computer readable copy submitted in parent application Serial No. 08/927,368 filed September 11, 1997. Under 37 C.F.R. § 1.821(f), Applicants also state that the information recorded in computer readable form is identical to the written sequence listing.

- ☒ 15. Other: Copy of Request for Transfer Sequence Listing.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Robert E. Hanson
Reg. No. 42,628
Agent for Applicants

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Date: 10/27/00

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